

Exhibit O

Tiffany Brando Deposition Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

RYAN DAVIS, an individual,) Case No.: 23-CV-230-S
)
Plaintiff,)
)
vs.)
)
THE CITY OF POWELL,)
WYOMING, ET AL.,)
)
Defendants.)
_____)

DEPOSITION OF TIFFANY BRANDO
TAKEN ON BEHALF OF THE PLAINTIFF
AT POWELL, WYOMING
OCTOBER 2, 2024 AT 9:00 A.M.

REPORTED BY:

JOAN F. MARSHALL, C.S.R.
Notary Public

1 THE DEPOSITION OF TIFFANY BRANDO was
2 taken on behalf of the Plaintiff on this, the 2nd
3 day of October 2024, at the City of Powell Council
4 Chambers, 270 North Clark Street, Powell, Wyoming,
5 before Two Sisters Reporting Service, by Joan F.
6 Marshall, Court Reporter and Notary Public within
7 and for the State of Wyoming, to be used in an
8 action pending in the United States District Court
9 for the District of Wyoming, said cause being Cause
10 No. 23-CV-230-S in said Court.

11 AND THEREUPON, the following testimony
12 was adduced, to wit:

13 TIFFANY BRANDO,
14 having been first duly sworn to tell the truth, the
15 whole truth and nothing but the truth relating to
16 said cause, deposes and says:

17 EXAMINATION

18 QUESTIONS BY MR. DANIEL WILKERSON:

19 Q. Please state your name for the record.

20 A. Tiffany Brando.

21 Q. And how do you prefer I call you?

22 A. Tiffany.

23 Q. Tiffany. Okay. Thanks, Tiffany. I'm
24 Dan Wilkerson.

25 What is your current job right now,

1 Tiffany?

2 A. City clerk, human resource manager.

3 Q. With what company or division?

4 A. City of Powell, Wyoming.

5 Q. What are your job responsibilities as
6 city clerk?

7 A. City clerk involves the day-to-day city
8 council agendas, management records retention,
9 historical records, codification. I do subdivision
10 agreements, annexations. Bids are the main things.

11 Q. What are bids? Explain that.

12 A. Bids, bidding for equipment, bidding for
13 construction, bidding for new vehicles, vehicle
14 bids.

15 Q. What does your job encompass with
16 annexations, if I'm saying that right?

17 A. Annexation?

18 Q. Yes.

19 A. When there is a piece of property out in
20 the county that would like to be annexed into the
21 city and become part of the city of Powell versus
22 the county, my process is I am the one that is
23 initiating that process when the developer comes
24 into my office with their petition.

25 Q. And if I'm saying this correctly,

1 A. The city administrator.

2 Q. And who is that?

3 A. Zack Thorington.

4 Q. Do you have coworkers that take on some
5 of your city clerk tasks or assist you?

6 A. No.

7 Q. Does Zack have anyone else that assists
8 him in city clerk type of tasks for any of the job
9 duties you explained?

10 A. Not to my knowledge.

11 Q. Okay.

12 A. Him and I work on the agreements of such
13 nature together, but the rest of it is me or other
14 department heads. They're not working on it with
15 me. We are working on it together.

16 Q. And then your other big main duty is
17 human resources?

18 A. Correct.

19 Q. What was the job title you gave me?

20 A. Human resource manager.

21 Q. Human resource manager. And if you would
22 again summarize your duties as the human resource
23 manager.

24 A. I am the direct contact for employees if
25 they have questions on our personnel policies or

1 procedures. If there are FMLA processes that need
2 to be completed, they come to me. We fill those
3 out. I help update the policies and procedures in
4 the manual that we have. All of those
5 recommendations are approved by the city council.

6 Q. What else do you do as human resource
7 manager?

8 A. I take complaints if we get any. Those
9 are the main duties.

10 Q. Who do you take complaints from?

11 A. Any employee that has any type of
12 complaint.

13 Q. Do you also take complaints from the
14 public?

15 A. As a city clerk, I do.

16 Q. As a city clerk. As a human resource
17 manager, you take complaints from employees?

18 A. Yes.

19 Q. Give me an example of how a complaint
20 might be directed to you.

21 A. It would be in writing, in person, in
22 e-mail or via phone.

23 Q. If an employee takes a complaint to their
24 direct supervisor, does that then get routed to
25 you?

1 A. I do not.

2 Q. Who filled out the workers' comp
3 paperwork?

4 A. I would need to look at the form.
5 There's a signature line on it.

6 Q. Did Officer Davis submit that to the
7 State, or is that something you assisted with?

8 A. That's something that I did, as the
9 employer.

10 Q. I know I said this earlier. Do you need
11 a break at all?

12 A. I'm fine right now.

13 Q. You can ask for one at any time.

14 I'm going to hand you what has been
15 marked Exhibit Number 15. Please take a minute and
16 look at that and let me know when you've had a
17 second to peruse it.

18 A. Okay.

19 Q. Have you ever seen that form before?

20 A. Yes.

21 Q. What is that?

22 A. It is an Application For
23 Long-Term-Disability Income Benefits.

24 Q. And who is that for?

25 A. Ryan S. Davis.

1 Q. And you've seen that specific form for
2 Officer Davis before, correct?

3 A. Yes.

4 Q. And who would have provided Officer Davis
5 that form?

6 A. I did.

7 Q. And is this a form you've given to other
8 employees in the past?

9 A. Yes.

10 Q. And would it be fair to say that is the
11 form for employees applying for long-term benefits,
12 long-term-disability --

13 A. Correct.

14 Q. -- benefits?

15 And The Hartford is the carrier the City
16 uses?

17 A. Yes.

18 Q. Does the City use The Hartford right now?

19 A. Yes.

20 Q. When did the City start using The
21 Hartford?

22 A. I do not know.

23 Q. As long as you have been HR manager, has
24 this been the type of form you've used through The
25 Hartford for long-term --

1 A. Yes.

2 Q. -- disability?

3 What is the purpose of giving an employee
4 this form?

5 MR. THOMPSON: Objection as to form,
6 foundation.

7 A. It -- the -- it's a benefit that the City
8 provides if needed, and it's given to an employee
9 if they feel like they need to fill it out.

10 BY MR. DANIEL WILKERSON:

11 Q. Who handed Officer Davis that form?

12 A. I believe I e-mailed it to him.

13 Q. Why did you e-mail it to him?

14 A. Because he was not available.

15 Q. What was the reason -- what was your
16 understanding of why you were sending that to him?
17 For what purpose?

18 A. He had already been out for 12 weeks from
19 his job, and so this was an extension of that.

20 Q. Who made the decision to send him that
21 form?

22 MR. THOMPSON: Objection as to form.

23 A. I don't recall.

24 BY MR. DANIEL WILKERSON:

25 Q. Was it just part of the process?

1 MR. THOMPSON: Objection as to form,
2 argumentative.

3 A. No.

4 BY MR. DANIEL WILKERSON:

5 Q. When did you first learn that Officer
6 Davis was sick?

7 A. Via an e-mail from his sergeant.

8 Q. Were you ever told he had COVID?

9 A. Yes.

10 Q. From whom?

11 A. His sergeant.

12 Q. Were you ever told he had tachycardia?

13 A. No.

14 Q. Were you ever told he had pneumonia?

15 A. No.

16 Q. As HR manager, did you dig in and ask
17 more questions about his condition?

18 A. I did not specifically, no.

19 Q. Okay. Let me hand you what is marked as
20 Exhibit 16. The first page will be a copy of a
21 sticky note, and page number 2 will be a release
22 form. Would you please look at that.

23 A. Okay.

24 Q. What are we looking at?

25 A. A Return-to-Work Release Form on City of

1 Powell letterhead.

2 Q. And can you flip the page and look at
3 that sticky note. Who wrote that?

4 A. I did.

5 Q. Can you read what you wrote?

6 A. Yes. "Enclosed are FMLA forms and a
7 return-to-work form with a job description. We
8 will need a release to return to work before
9 returning. If you have any questions, please let
10 me know. Thank you. Tiffany Brando."

11 Q. So if I heard your testimony a minute
12 ago, you weren't aware of Officer Davis's specific
13 diagnosis, correct?

14 A. Correct.

15 Q. And you didn't receive any medical
16 records in your office?

17 A. Correct.

18 Q. Why did you provide him with an FMLA
19 form?

20 A. Because he was out sick for more than
21 three days.

22 Q. Okay.

23 A. And his sergeant had let us know he was
24 hospitalized.

25 Q. And then why did you provide him workers'

1 comp material?

2 A. After learning he had COVID, workers'
3 comp started covering that as a presumptive
4 condition of employment.

5 Q. And then why did you provide him with
6 long-term disability forms from The Hartford?

7 A. We had not gotten a return-to-work
8 release as of those dates.

9 Q. Did Zack Thorington discuss with you the
10 timing of when you provided these forms to him?

11 A. I don't recall.

12 Q. Do you recall him ever telling you you
13 need to provide him these forms?

14 A. We may have had discussions. I don't
15 believe he told me. We went through some steps.

16 Q. From the best of your memory, it would
17 have been you tracking the steps and the timing?

18 A. Correct.

19 Q. And when the employee should receive the
20 next form?

21 A. Correct.

22 Q. As part of a normal process?

23 A. Yes.

24 Q. Or a method. Okay. Thank you.

25 A. Uh-huh.